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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY WELLS, JEFFREY WELLS, and
HENRY KAISER,

Defendants.

Case No.: Cr. S-04-0069-MCE

**STIPULATION AND ~~[PROPOSED]~~
ORDER EXTENDING TIME FOR
ERNST & YOUNG LLP TO FILE
MOTION TO QUASH**

WHEREAS on May 4, 2005, defendants Larry Wells and Jeffrey Wells served Ernst & Young LLP ("E&Y") with a Subpoena In A Criminal Case dated May 3, 2005 (the "Subpoena") in connection with the above-captioned case;

WHEREAS the Subpoena seeks production of testimony and documents in the above-referenced Court on May 10, 2005;

WHEREAS E&Y intends to move to quash or modify the Subpoena;

WHEREAS defendants Larry Wells and Jeffrey Wells have indicated to this Court that further subpoenas will be issued to other entities within the next week to ten days involving the same legal issues and facts as the Subpoena; and

WHEREAS E&Y and the defendants have agreed that it is appropriate to allow E&Y additional time to file any motion to quash or modify the Subpoena;

1 WITH THE COURT'S PERMISSION, IT IS HEREBY STIPULATED and agreed
2 by and among the undersigned on behalf of their respective clients, that:

3 1. E&Y may file its motion to quash or modify the Subpoena on or before May
4 17, 2005;

5 2. E&Y will not be required to appear or produce documents or testimony in
6 response to the Subpoena while its motion to quash or modify the Subpoena is pending;

7 IT IS SO STIPULATED:

8
9 DATED: May 9, 2005

HELLER EHRMAN WHITE & MCAULIFFE LLP

10 By /s/ Alexander M.R. Lyon

11 ALEXANDER M.R. LYON

12 Attorneys for Ernst & Young LLP

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14 DATED: May 9, 2005

15 /s/ William J. Portanova

16 WILLIAM J. PORTANOVA

17 Attorney for Larry Wells

18 DATED: May 6, 2005

/s/ Wayne Ordos

19 WAYNE ORDOS

20 Attorney for Jeffrey Wells

21 IT IS SO ORDERED:

22 Dated: May 10, 2005

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24 MORRISON C. ENGLAND, JR.
25 UNITED STATES DISTRICT JUDGE
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